

Attachment 1

FREQUENTLY ASKED QUESTIONS

Q: A local business group has contacted me to discuss how to apply for funding for transportation projects. May I talk with members of the group?

A: Yes. This area of discussion falls within the category of general logistical and implementation issues concerning the Recovery Act, and thus you may talk with the group without restriction to answer its questions, regardless of whether the group includes Federally registered lobbyists. However, if the discussion includes Federally registered lobbyists and veers into discussion of particular policy views or particular projects or applications for funding under the Recovery Act, you should comply with the terms of the President's Memorandum and document oral communications by Federally registered lobbyists about Recovery Act policy matters, and request that all communications about particular projects or applications be submitted in writing.

Q: Shouldn't I simply avoid all contact with Federally registered lobbyists about Recovery Act matters?

A: No. The purpose of the President's Memorandum is to provide transparency of certain communications with Federally registered lobbyists concerning the Recovery Act to further accountability and merit-based decision-making by agencies, and not to bar such communications. In many cases, Federally registered lobbyists bring to bear helpful information that facilitates agencies' evaluation of policies and projects on the merits. Accordingly, you should proceed with all communications with Federally registered lobbyists in accordance with the prescribed protocol.

Q: Do the restrictions apply to lobbyists for governmental entities, or lobbyists registered under State laws, or individuals who were Federally registered lobbyists in recent years but are no longer so registered?

A: The Memorandum applies to communications with individuals who are currently Federally registered lobbyists, including lobbyists for governmental or non-profit entities. It does not apply to individuals who have been registered in prior years, but are no longer, or to individuals registered to lobby under State rather than Federal laws.

Q: A group has called me to discuss concerns about how funding is being allocated to certain geographic areas. May I speak with members of the group?

A: Yes. This topic falls within the category of general policy issues concerning the Recovery Act, and thus you may talk with the group, regardless of whether the group includes Federally registered lobbyists. However, because this goes beyond mere logistical questions and into discussion of concerns and views about Recovery Act policy, please keep in mind that if the group does include Federally registered lobbyists, you will have to document the contact on the attached form.

Q: I have received a request to meet with representatives of a city government who have filed an application to discuss the possibility of obtaining Recovery Act funding for a light rail project that would link their city to another. May I speak with them?

A: Because the subject for discussion involves a particular project, you may not speak with the representatives if a Federally registered lobbyist participates in the communication. You may, however, meet with any of the city's representatives who are not Federally registered lobbyists. In addition, any of the city's registered lobbyists can send something to you in writing with regard to the particular project, which you should thereafter forward to your designated agency official via email for posting on the Internet.

Q: I am scheduled to deliver a speech to a group of business leaders about how to apply for Recovery Act funds. Must I pre-screen the group for Federally registered lobbyists? If Federally registered lobbyists are present, do I need to document each of their questions as a lobbying contact?

A: If your discussion will focus on logistical issues only, you may speak to the group without restriction regardless of its size or composition. Moreover, even if the discussion touches on Recovery Act policy issues, if the speech is before a widely attended gathering, you do not need to determine whether Federally registered lobbyists are present, and you may discuss general Recovery Act issues without documenting the discussion.

Q: How much information do I need to include on the Lobbyist Contact Disclosure form?

A: The form is meant to document the fact and date of your contact, along with the identity of the lobbyist, his or her client, and a one-sentence description of the general topic or topics of discussion. Additional detailed information is not required.

Q: Are there any exemptions in the interim protocol for communications with Federally registered lobbyists representing State, local, tribal or other governmental entities?

A: No.

Q: Do the requirements of the President's Memorandum concerning lobbyist communications apply only to individuals who are Federally registered lobbyists, or to lobbying organizations and their employees more generally?

A: The requirements apply only to communications with individuals who are Federally registered lobbyists, and not with lobbying organizations or their non-registered employees more generally.

Q: When does this new policy go into effect?

A: The policy is in effect, and you should adhere to this interim protocol immediately.

Q: To whom should I turn for further questions about how to deal with specific situations?

A: You should contact your designated agency ethics official, in the first instance, or another designated agency point of contact.

Q: I want to provide feedback on this protocol. What should I do?

A: The President's Memorandum directs the Office of Management and Budget to evaluate agencies' experience with the Memorandum's requirements within 60 days. If you would like to provide comments or recommend adjustments, please contact the OMB General Counsel's office, at: recoverycommunications@omb.eop.gov.